(This tariff, Kentucky Tariff No. 4 filed by LDMI Telecommunications, Inc., d/b/a LDMI Telecommunications, also d/b/a FoneTel cancels and replaces in its entirety, the current tariff on file with the Commission)

LDMI Telecommunications, Inc., d/b/a LDMI Telecommunications, also d/b/a FoneTel

27777 Franklin Road, Suite 500 Southfield, Michigan 48034

RATES, RULES and REGULATIONS for FURNISHING

RESALE TELECOMMUNICATIONS SERVICES

Filed with the

PUBLIC SERVICE COMMISSION OF KENTUCKY

This tariff contains the descriptions, regulations, and rates applicable to the furnishing of service and facilities for resale telecommunication services provided by LDMI Telecommunications, Inc., d/b/a LDMI Telecommunications, also d/b/a FoneTel between points within the Commonwealth of Kentucky.

PUBLIC SERVICE COMMISSION OF KENTUCKY EFFECTIVE

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PURSUANT TO 807 KAR 5:011

Liango la Dorname EXECUTIVE DIRECTOR

Effective:

09/12/03

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By:

08/15/03

Jerry Finefrock, Vice President Regulatory Affairs

27777 Franklin Road, Suite 500 Southfield, Michigan 48034

#### CHECK SHEET

The Title Page and Pages of this tariff as listed below are effective as of the date shown. Original and revised pages, as named below, contain all changes from the original tariff that are in effect on the date thereon except as otherwise noted.

PAGE	REVISION		PAGE	REVISION
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1	First	*	22	Original
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19	Original			
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<sup>\* -</sup> indicates those pages included with this filing.

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#### **TARIFF FORMAT**

**Page Numbering** - Page numbers appear in the upper right hand corner of the page. Pages are numbered sequentially. From time to time new pages may be added to the tariff. When a new page is added between existing pages a decimal is added to the preceding page number. For example, a new page added between Pages 3 and 4 would be numbered 3.1.

**Explanation of Symbols** - When changes are made in any tariff sheet, a revised sheet will be issued canceling the tariff sheet affected. Changes will be identified on the revised page(s) through the use of the following symbols:

- **(C)** To signify changed regulation.
- **(D)** To signify discontinued rate or regulation.
- (I) To signify increased rates.
- (M) To signify material relocated from one page to another without change.
- (N) To signify new rate, regulation, or text.
- (R) To signify reduced rate.
- **(T)** To signify a change in text, but no change in rate or regulation.

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Jerry Finefrock, Vice President Regulatory Affairs 27777 Franklin Road, Suite 500 Southfield, Michigan 48034

#### APPLICATION OF TARIFF

This tariff contains the regulations and rates applicable to the furnishing of intrastate resale common carrier communications service by LDMI Telecommunications, Inc., d/b/a LDMI Telecommunications, Inc., also d/b/a FoneTel within the State of Kentucky.

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27777 Franklin Road, Suite 500 Southfield, Michigan 48034

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## **SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS**

Access Line - An arrangement which connects the Customer's location to a LDMI Telecommunications, Inc., d/b/a LDMI Telecommunications, Inc., also d/b/a FoneTel switching center or point of presence.

**Account Codes** - Optional, Customer-defined digits that allow the Customer to identify the individual user, department or client associated with a call. Account Codes appear on the Customer bill.

**Authorized User** - A person, firm, corporation, or any other entity authorized by the Customer to communicate utilizing the Carrier's service.

**Available Usage Balance** - The amount of usage remaining on a Customer Account at any particular point in time. Each Customer Account has an Initial Account Balance which is stated in either U.S. dollars or Call Units, depending on the type of service. The Available Balance is Depleted by the appropriate dollar amount or number of Call Units, respectively, based on the actual usage of the Company's service.

**Business Line Termination** - For use with inbound service only. Incoming calls are routed directly to the Customer's existing local exchange line. No dedicated access terminations are required.

Commission - The Kentucky Public Service Commission.

**Company or Carrier** - LDMI Telecommunications, Inc., d/b/a LDMI Telecommunications, Inc., also d/b/a FoneTel unless otherwise clearly indicated by the context.

**Customer** - The person, firm, corporation or other entity which orders, cancels, amends or uses service and is responsible for payment of charges and compliance with the Company's tariff.

**Dedicated Access - See Special Access.** 

**End User** - Any person, firm, corporation, partnership or other entity which uses the services of the Carrier under the provisions and regulations of this tariff. The End User is responsible for payment unless the charges for the services utilized are accepted and paid by another Customer.

**Equal Access** - The ability of the Carrier to serve End Users on a presubscribed basis rather than through the use of dial access codes.

**Holidays** - Holidays observed by the Carrier as specified in this tariff.

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## SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS, (CONT'D.)

**KPSC** - Refers to the Kentucky Public Service Commission.

LATA - Local access and transport area. A geographic area established by the US District Court for the District of Columbia in Civil Action No. 17-49, within which a local exchange company provides communications services.

**LDMI** - Used throughout this tariff to mean LDMI Telecommunications, Inc., d/b/a LDMI Telecommunications, Inc., also d/b/a FoneTel unless clearly indicated otherwise by the text.

**LEC** - Local Exchange Company.

Premises - A building or buildings on contiguous property.

**Special Access Origination/Termination** - Where originating or terminating access between the Customer and the interexchange carrier is provided on dedicated circuits. The cost of these dedicated circuits is billed by the access provider directly to the Customer.

**Special Construction** - Service configurations specifically designed and constructed at a Customer's request.

**Subscriber** - The person, firm, Customer, corporation or other entity that arranges for the Carrier to provide, discontinue or rearrange telecommunications services on behalf of itself or others under the provisions and terms of this tariff.

**Switched Access Origination/Termination** - Where originating or terminating access between the Customer and the interexchange carrier is provided on local exchange company Feature Group circuits. The cost of switched Feature Group access is billed to the interexchange carrier.

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#### **SECTION 2 - RULES AND REGULATIONS**

# 2.1 Undertaking of the Company

LDMI services and facilities are furnished for intrastate communications originating at specified points within the state of Kentucky under terms of this tariff. Intrastate service is offered in conjunction with interstate service.

LDMI installs, operates, and maintains the communications services provided hereinunder in accordance with the terms and conditions set forth under this tariff. LDMI may act as the Customer's agent for ordering access connection facilities provided by other carriers or entities, when authorized by the Customer, to allow connection of a Customer's location to the LDMI network. The Customer shall be responsible for all charges due for such service arrangement.

The Company's services and facilities are provided on a monthly basis unless otherwise provided, and are available twenty-four (24) hours per day, seven (7) days per week.

## 2.2 Limitations

- **2.2.1** Service is offered subject to the availability of the necessary facilities and equipment and subject to the provisions of this tariff.
- **2.2.2** LDMI reserves the right to discontinue or limit service when necessitated by conditions beyond its control, or when the Customer is using service in violation of provisions of this tariff or of the law.
- **2.2.3** The Company does not undertake to transmit messages, but offers the use of its facilities when available, and will not be liable for errors in transmission or for failure to establish connections.

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Southfield, Michigan 48034

#### 2.3 Use

Services provided under this tariff may be used for any lawful purpose for which the service is technically suited.

# 2.4 Liabilities of the Company

- 2.4.1 The liability of the Carrier for its willful misconduct or gross negligence which is the sole legal cause of damage or injury is not limited by this tariff. With respect to any other claim or suit, by a Subscriber or by any others, for damages associated with acts or omissions involving initiation, installation, provision, termination, maintenance, repair, interruption or restoration of any service or facilities offered under this tariff, the Carrier's liability, if any, is limited to 1/30 of the monthly charge for service affected for each 24-hour period during which such failure of service occurs and is reported to or known by the Carrier. In addition, Subscriber credits for interrupted service will be issued, where applicable, in accordance with the provisions of Section 2.13.
- 2.4.2 In no event will Carrier be responsible for consequential damages or lost profits suffered by Subscriber on account of interrupted or unsatisfactory service unless Carrier is found to have been willfully negligent.
- **2.4.3** The Carrier is not liable for any act or omission of any other company or companies furnishing a portion of the service. No agents or employees of other carriers shall be deemed to be agents or employees of the Carrier.

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## 2.4 Liabilities of the Company, (Cont'd.)

- **2.4.4** The Carrier shall be indemnified and held harmless by the Customer against:
  - a. Claims for libel, slander, infringement of copyright or unauthorized use of any trade mark, trade name or service mark arising out of the material, data, information, or other content transmitted by the Customer over the Carrier's facilities; and
  - b. Claims for patent infringement arising from combining or connecting the Carrier's facilities with apparatus and systems of the Customer; and
  - c. All other claims arising out of any act or omission of the Customer in connection with any service provided by the Carrier.

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## 2.5 Payment and Credit Regulations

#### 2.5.1 Payment Arrangements

The Customer is responsible for payment of all charges for services and equipment furnished to the Customer for transmission of calls via the Company. The Customer agrees to pay to the Company any cost(s) incurred as a result of any delegation of authority resulting in the use of his or her communications equipment and/or network services which result in the placement of calls via the Company. The Customer agrees to pay the Company or its authorized agent any and all cost(s) incurred as a result of the use of the service arrangement, including calls which the Customer did not individually authorize.

All charges due by the Customer are payable to the Company or any agency duly authorized to receive such payments. Terms of payment shall be according to the rules and regulations of the agency and subject to the rules of regulatory agencies, such as the KPSC. Any objections to billed charges must be promptly reported to the Company or its billing agent. Adjustments to Customers' bills shall be made to the extent that circumstances exist which reasonably indicate that such changes are appropriate.

Charges for installations, service connections, moves, and rearrangements, where applicable, are payable upon demand by the Company or its authorized agent. The billing thereafter will include recurring charges and actual usage as defined in this tariff.

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## 2.5 Payment and Credit Regulations, (Cont'd.)

## 2.5.1 Payment Arrangements, (Cont'd.)

The Customer shall be responsible for all calls placed by or through Customer's equipment by any person. In particular and without limitation to the foregoing, the Customer is responsible for any calls placed by or through the Customer's equipment via any remote access features. The Customer is responsible for all calls placed via their authorization code as a result of the Customer's intentional or negligent disclosure of the authorization code.

# 2.5.2 Deposits

- .1 The Company Reserves the right to collect a deposit from the Customer in the event the Customer's financial condition is unknown or unacceptable to the Company. The amount of the deposit shall not exceed an amount equal to two (2) months estimated billing. The deposit will be returned to the Customer after one full year's history of timely payment. Interest will be paid on the held deposit at the rate of 6% annually. An existing Customer may be required to make a deposit or increase a deposit presently held. The deposit may be held for as long as the financial condition or credit worthiness of the Customer is considered to be unsatisfactory to the Company.
- .2 The fact that a deposit has been made in no way relieves the Customer from the prompt payment of bills upon presentation.

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# SECTION 2 - RULES AND REGULATIONS, (CONT'D.)

## 2.5 Payment and Credit Regulations, (Cont'd.)

## 2.5.3 Advance Payments

The Company reserves the right to require an advance payment from a Customer instead of, or in addition to, a deposit. The advance payment shall be in the amount equal to or less than two months estimated billing.

#### 2.5.4 Taxes

Company reserves the right to bill any and all applicable taxes in addition to normal long distance usage charges, including, but not limited to: Federal Excise Tax, State Sales Tax, Municipal Taxes, and Gross Receipts Tax. With the exception of debit card service, such taxes will be itemized separately on Customer invoices.

# 2.5.5 Late Payment Charge and Cost of Collection

A late fee of \$5.00 plus 1.5% per month will be charged on any past due balance. A penalty may be assessed once only on any bill for rendered service. In the event that the Company incurs fees or expenses, including attorney's fees, collecting or attempting to collect, any charges owed to the Company, the Company may charge the Customer all such fees and expenses reasonably incurred.

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Yo0601 Executive Director

## 2.5 Payment and Credit Regulations, (Cont'd.)

## 2.3.6 Return Check Charge

A return check charge of \$30.00 will be assessed for checks returned for insufficient funds. Any applicable return check charges will be assessed according to the terms and conditions of the billing entity (i.e. local exchange company and/or commercial credit card company) and pursuant to Kentucky law and Commission regulations.

#### 2.6 Terminal Equipment

The Company's facilities and service may be used with or terminated in Customer-provided terminal equipment or Customer-provided communications systems, such as a telephone set, PBX or key system. Such terminal equipment shall be furnished and maintained at the expense of the Customer, except as otherwise provided. The Customer is responsible for all costs at his or her premises, including personnel, wiring, electrical power, and the like, incurred in the use of the Company's service. When such terminal equipment is used, the equipment shall comply with the generally accepted minimum protective criteria standards of the telecommunications industry as endorsed by the Federal Communications Commission.

#### 2.7 Installation and Termination

Service is installed upon mutual agreement between the Customer and the Company. The service agreement does not alter rates specified in this tariff.

## 2.8 Cancellation by Customer

Any Customer desiring service terminated or changed from one address to another, shall give the utility three (3) working days' notice in person, in writing, or by telephone, provided such notice does not violate contractual obligations or tariff provisions.

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#### 2.9 Interconnection

Service furnished by LDMI may be connected with the services or facilities of other carriers. Such service or facilities, if used, are provided under the terms, rates and conditions of the other carrier. The Customer is responsible for all charges billed by other carriers for use in connection with LDMI service. Any special interface equipment or facilities necessary to achieve compatibility between carriers is the responsibility of the Customer.

### 2.10 Refusal or Discontinuance by Company

LDMI may refuse or discontinue service under the following conditions. Unless otherwise stated, the Customer will be given ten (10) day's written notice and allowed a reasonable time to comply with any rule or remedy any deficiency.

- **2.10.1** For non-compliance with and/or violation of any State or municipal law, ordinance or regulation pertaining to telephone service.
- **2.10.2** For the use of telephone service for any other property or purpose other than that described in the application.
- **2.10.3** For failure or refusal to provide the Company with a deposit to insure payment of bills in accordance with the Company's regulations or failure to meet the Company's credit requirements.
- **2.10.4** For neglect or refusal to provide reasonable access to the Company for the purpose of inspect ion and maintenance of equipment owned by the Company.
- **2.10.5** For non-compliance with and/or violation of the Commission's regulations or the Company's rules and regulations on file with the Commission, provided ten (10) working days' written notice is given before termination.

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## 2.10 Refusal or Discontinuance by Company, (Cont'd.)

- 2.10.6 For non-payment of bills for telephone service. Suspension or termination of service shall not be made without ten (10) working days' written notice to the Customer, except in extreme cases.
- **2.10.7** Without notice in the event of Customer use of equipment in such a manner as to adversely affect the Company's equipment or the Company's service to others.
- **2.10.8** Without notice in the event of tampering with the equipment furnished and owned by the Company.
- **2.10.9** Without notice in the event of unauthorized or fraudulent use of service. Whenever service is discontinued for fraudulent use of service, the Company may, before restoring service, require the Customer to make, at his own expense, all changes in facilities or equipment necessary to eliminate illegal use and to pay an amount reasonably estimated as the loss in revenues resulting from such fraudulent use.
- **2.10.10** For failure of the Customer to make proper application for service.
- **2.10.11** For Customer's breach of the contract for service between the Company and the Customer.
- **2.10.12** When necessary for the Company to comply with any order or request of any governmental authority having jurisdiction.
- 2.10.13 For periods of inactivity over sixty (60) days.

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# 2.11 Inspection, Testing and Adjustment

Upon reasonable notice, the facilities provided by the Carrier shall be made available to the Carrier for tests and adjustments as may be deemed necessary by the Carrier for maintenance. No interruption allowance will be granted for the time during which such tests and adjustments are made when the interruption is less than twenty-four consecutive hours.

## 2.12 Tests, Pilots, Promotional Campaigns and Contests

The Carrier may conduct special tests, pilot programs, waivers and promotions at its discretion to demonstrate the ease of use, quality of service and to promote the sale of its services. Such promotions will be filed with the Kentucky PSC in this Tariff on not less than thirty (30) days notice.

## 2.13 Interruption of Service

Credit allowances for interruptions of service caused by service outages or deficiencies are limited to the initial minimum period call charges for re-establishing the interrupted call.

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#### 2.14 Bill Format

Bills rendered to Customers by LDMI contains the following information:

Date of Bill Rendering

Company Name

Toll Free Customer Service Number: (800) 922-7730

Service Dates

Due Date

Past Due Date

Current Amount Due

Past Due Amount (if applicable)

Past Due Penalties (if applicable)

Date and Time of Each call

Originating location and terminating number

Call duration

Call type

Total Charges per Call

Total Charges for Company Services

Taxes

#### 2.15 Billed Monthly Minimum Charge

All long distance customers will be billed a minimum monthly usage charge of \$4.00 if the Customer's usage is less than the monthly minimum charge of \$4.00.

#### 2.16 Administrative Fee

Customers requesting a change from one rate plan to another rate plan will be required to pay an administrative fee of \$5.00 per occurrence.

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## **SECTION 3 - DESCRIPTION OF SERVICES AND RATES**

#### 3.1 General

Each Customer is charged individually for each call placed through the Company. Charges may be computed on an airline mileage basis as described in Section 3.2 of this tariff.

Charges may vary by service offering, mileage band, class-of-call, time-of-day, day-of-week, call duration, and/or volume and term commitment.

Customers are billed based on their use of LDMI's long distance service.

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#### 3.2 Calculation of Distance

Usage charges for any mileage sensitive services vary based on the type of service subscribed to by the Customer. For services utilizing switched access, mileage measurements for rate schedules are based on the distance in airline miles between rate centers associated with the originating and terminating stations. For services utilizing dedicated access, mileage measurements for rate schedules are based on the distance in airline miles between the LDMI network access point associated with the station utilizing Dedicated Access Origination/Termination and the rate center associated with the called/calling station.

The distance between the originating and terminating points is calculated by using the "V" and "H" coordinates of the serving wire centers as defined by BellCore (Bell Communications Research), in the following manner:

- **Step 1:** Obtain the "V" and "H" coordinates for the serving wire center or network access point serving the Customer's location and the called/calling station.
- **Step 2:** Obtain the difference between the "V" coordinates. Obtain the difference between the "H" coordinates.
- Step 3: Square the differences obtained in Step 2.
- Step 4: Add the squares of the "V" difference and "H" difference obtained in Step 3.
- **Step 5:** Divide the sum of the square obtained in Step 4 by ten (10). Round to the next higher whole number if any fraction results from the division.
- **Step 6:** Obtain the square root of the whole number obtained in Step 5. Round to the next higher whole number if any fraction is obtained. This is the distance between the originating and terminating locations of the call.

Formula:

$$\sqrt{\frac{(V_1V_2)^2 + (H_1H_2)^2}{10}}$$

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#### 3.3 Timing of Calls

- 3.3.1 Long distance usage charges are based on the actual usage of LDMI's network. Chargeable time begins when a connection is established between the calling station and the called station. Chargeable time ends when either party "hangs up" thereby releasing the network connection.
- **3.3.2** Minimum call duration for billing purposes is thirty (30) seconds unless otherwise specified in the individual rate schedules of this tariff.
- 3.3.3 Calls are measured and billed in six (6) second increments (after the initial thirty seconds) unless otherwise indicated in this tariff. Any partial increment is rounded up to a full increment.

#### 3.4 Time-of-Day Rate Periods

None of LDMI's offerings are time-of-day sensitive.

#### 3.5 Holiday Rates

None of LDMI's offerings are time-of-day sensitive.

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#### 3.6 Outbound Service

#### 3.6.1 General Description

Outbound Service is offered to Residential and Business Subscribers for outbound calling. Outbound Service utilizes Customer-provided switched access lines.

## 3.6.2 Usage Rate

Per Minute:

\$0.1500

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#### 3.7 Inbound Toll-Free (8XX) Service

#### 3.7.1 General Description

LDMI's Inbound Toll-Free Number Service is an 8XX number service available for Customer use twenty-four (24) hours a day, seven (7) days a week. Service is terminated over standard Customer-provided switched access lines. Intrastate service is offered in conjunction with Interstate service.

#### 3.7.2 Reservation of Toll-Free Numbers

The Company will make every effort to reserve toll-free vanity numbers on behalf of Customers, but makes no guarantee or warranty that the requested toll-free number(s) will be available or assigned to the Customer requesting the number.

#### 3.7.3 Toll-Free Number Portability

If a Customer accumulates undisputed delinquent charges, the Company reserves the right not to honor that Customer's request for a change in service, including a request for Resp. Org. change, until such charges are paid in full.

The Customer does not retain rights in toll-free numbers which are shared with other Customers of the Company. Shared toll-free numbers are not portable.

# 3.7.4 Usage Rate

Per Minute:

\$0.1600

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#### 3.8 Travel Service

## 3.8.1 General Description

Travel Card Service is available in conjunction with other LDMI services, or as a standalone offering. The service is typically used for originating telephone calls while away from home or office. Service is accessed by dialing the Company-designated toll-free access number, a valid authorization code, and the destination number. Intrastate service is offered in conjunction with Interstate service.

#### 3.8.2 Usage Rate

Per Minute:

\$0.2500

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Jerry Finefrock, Vice President Regulatory Affairs 27777 Franklin Road, Suite 500 Southfield, Michigan 48034

## 3.9 Prepaid Calling Card Service

#### 3.9.1 General Description

Prepaid Calling Card Service allows Customers to place direct dialed calls between locations within the state of Kentucky. Customers access the LDMI network by dialing an 800 number or other access dialing sequence and entering a personal account code. The Company's system informs the Customer of the available usage balance remaining in his/her debit account and prompts the Customer to place a call by entering a destination telephone number. Network usage for calls placed is deducted from the available usage balance in the Customer's account on a real time basis as the call progresses. Customers purchase a debit card which assigns each Customer a debit account, provides each Customer with a personal account code and lists instructions for accessing and using Carrier's service. Prepaid calling cards are available in varying denominations.

Purchase of a prepaid calling card entitles the Customer to use the LDMI network for a number of minutes equivalent to the card denomination divided by the effective per minute rate. The Customer's right to utilize network usage within a given debit account expires one year after issuance and activation of the debit card associated with that debit account number. No minimum service period applies. Payment for Prepaid Card Services and any available usage in a Customer's debit account is nonrefundable. Any unused balances will be applied toward renewal value of the card account.

Prepaid calling card service rates are not distance or time of day sensitive. Network usage for debit card calls is deducted from the available usage balance in Customer's debit account in full minute increments. For debiting purposes, the minimum call usage is one (1) minute; one domestic minute is equal to one unit.

#### 3.9.2 Usage Rates

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Card Denomination	Per Minute Rate
\$ 5	\$0.3500
\$10	\$0.3250
\$15	\$0.3000
\$20	\$0.2750
\$50+	\$0.2500 IC SERVICE COMMISSION OF KENTUCKY
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## 3.10 Directory Assistance

#### 3.10.1 General Description

Directory Assistance is available to Customers of LDMI. A Directory Assistance charge applies to each call to the Directory Assistance Bureau. Up to two requests may be made on each call to Directory Assistance. The Directory Assistance charge applies to each call regardless of whether the Directory Assistance Bureau is able to furnish the requested telephone number.

#### 3.10.2 Usage Rate

Per call to Directory Assistance

\$0.9500

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#### **SECTION 4 - PROMOTIONS**

# 4.1 Promotional Offerings - General

From time to time, the Carrier may provide promotional offerings to introduce a current or potential Subscriber to a service not being used by the Subscriber. These offerings may be limited to certain dates, times or locations and may waive or reduce recurring or non-recurring charges.

## 4.2 Competitive Response Promotion

In order to acquire or retain customer, the Carrier will match certain offers made by other interexchange carriers/resellers where the customer can demonstrate to the Carrier's satisfaction that it intends to accept such offer as an inducement to subscribe to or remain subscribed to such other interexchange carrier's/reseller's services.

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Southfield, Michigan 48034